

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HARBOR FINANCE PARTNERS,  
derivatively on behalf of CONAGRA  
FOODS, INC.,

Plaintiff,

v.

BRUCE C. ROHDE, CHARLES M.  
HARPER, CARL E. REICHARDT,  
RONALD W. ROSKENS,  
MARJORIE M. SCARDINO,  
WALTER SCOTT, JR., KENNETH  
E. STINSON, MOGENS C. BAY,  
ROBERT A. KRANE,

Defendants.

and

CONAGRA FOODS, INC.,

Nominal Defendant.

4:01CV3255

**MEMORANDUM  
AND ORDER**

The court has been advised by the parties in the above-captioned matter that they have reached a settlement of their claims. A motion to dismiss (filing 43) is pending. I find that the motion for summary judgment should be denied as moot since the parties have reached settlement.

IT IS ORDERED that the pending Motion to Dismiss (filing 43) is denied as moot.

June 14, 2005.

BY THE COURT:

s/Richard G. Kopf  
United States District Judge